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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,463	10/18/2001	Jeremy Burr	P-5889-US	3948
49444 7590 03/17/2008 PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY, 12TH FLOOR NEW YORK, NY 10036				
EXAMINER				
ISMAIL, SHAWKI SAIF				
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2155				
MAIL DATE		DELIVERY MODE		
03/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/035,463

Applicant(s)

BURR, JEREMY

Examiner

SHAWKI S. ISMAIL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. This communication is responsive to applicant's remarks and arguments received on December 11, 2007.

Claims 1-5, and 7-28 are pending.

The Previous Rejection Maintained

2. The rejection is respectfully maintained as set forth in the last Office Action mailed on September 11, 2007. Applicants' arguments with respect to claims 1-5, and 7-28 have been fully considered but they are not persuasive and the previous rejection is maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, and 7-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmed et al., (hereinafter referred to as Ahmed) U.S. Patent No. 6,816,460 and in view of Dunko (hereinafter referred to as Dunko) et al., U.S. Patent Application Publication No. 20020183068 A1.

5. As to claim 1 and 7, Ahmed teaches a mobile device, comprising:

a processor programmed to establish a mobile ad-hoc network of mobile devices capable of communicating with each other and to construct a routing of only a subset of the mobile devices of the ad-hoc network wherein the processor

is able to establish, within said mobile ad-hoc network, a sub-network of the mobile devices according to said routing list. (col. 4, lines 9-25, col. 9, lines 1-20).

Ahmed does not explicitly indicate wherein the ad-hoc network and sub-network is established among the mobile device that include an installed common application software.

Dunko teaches searching method for mobile terminals in the user's vicinity to establish a communication link with them. A mobile terminal begins by searching to identify other mobile devices in range that contain compatible Bluetooth application. When a match occurs the searching mobile devices compares received search code provided by the found devices to the search list containing search codes for the selected individuals and/or groups known to the searching mobile devices ([0036]).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Dunko into the invention of Ahmed so that mobile devices that have compatible software application are identified so that communication between them may be established.

6. As to claim 2, Ahmed teaches a mobile device according to claim 1, wherein the routing list includes one or more routes to the one or more other mobile devices (see Fig. 1 and 2, col. 4, lines 9-25).
7. As to claim 3, Ahmed teaches a device according to claim 1, comprising:
a memory (col. 9, lines 1-20);

a routing table stored in the memory, the routing table including the routing list (col. 4, lines 9-25).

8. As to claim 4, Ahmed teaches a mobile device according to claim 3, wherein the routing table is designed to store a route to at least one other reachable device (col. 4, lines 35-45).

9. As to claim 5, Ahmed teaches a mobile device according to claim 1, wherein the receiver is able to receive from a second mobile device another routing of other devices reachable from said second mobile device (col. 4, lines 35-45, col. 6, lines 30-54).

10. As to claim 8, Ahmed teaches a method according to claim 7, further comprising establishing a communications channel between first and second devices (col. 4, lines 35-46).

11. As to claim 9, Ahmed teaches a method according to claim 8, further comprising:

receiving a list of devices reachable from the second device, the list including a third device (col. 4, lines 9-25);

establishing a communications channel from the first device through the second device to the third device (col. 4, line 64 – col. 5, line 29).

12. As to claim 10, Ahmed teaches a method according to claim 9, further comprising sending messages from the first device to the second device, to be relayed to the third device (col. 4, line 64 – col. 5, line 29).

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13. As to claim 11, Ahmed teaches a method according to claim 10, wherein sending messages from the first device to the second device includes specifying a path from the first device to the third device (col. 4, line 64 – col. 5, line 29).

14. As to claim 12, Ahmed teaches a method according to claim 9, wherein establishing a communications channel from the first device through the second device to the third device includes establishing a communications channel from the first device through the second device to the third device without regard for any alternative route from the first device to the third device (col. 3, lines 51-67, col. 4, line 64 – col. 5, line 29).

15. As to claim 13-14 and 17, Ahmed teaches a method according to claim 9 as discussed above.

Ahmed does not explicitly indicate wherein determining whether the third device has installed therein the common application software.

Dunko teaches searching method for mobile terminals in the user's vicinity to establish a communication link with them. A mobile terminal begins by searching to identify other mobile devices in range that contain compatible Bluetooth application. When a match occurs the searching mobile devices compares received search code provided by the found devices to the search list containing search codes for the selected individuals and/or groups know to the searching mobile devices ([0036]).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Dunko into the invention of Ahmed so that mobile devices that have compatible software

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application are identified so that communication between them may be established.

16. As to claim 15, Ahmed teaches a method according to claim 9, further comprising changing the communications channel to an alternative communications channel if the alternative communications channel has a lower cost than the communications channel (col. 4, line 64 – col. 5, line 29).

17. As to claim 16, Ahmed teaches a method according to claim 8, further comprising: receiving a list of devices reachable from the second device; and forwarding the list of devices to a third device within range of the first device (col. 4, line 64 – col. 5, line 29).

18. As to claims 18-28, they do not teach or define any new limitation above claims 1-17, therefore; they are rejected for similar reasons.

19. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

20. Applicants' arguments with respect to claims 1-5, and 7-28 have been fully considered but they are not persuasive.

Argument (A): Ahmed does not teach "a routing list of only a subset of the mobile devices" (refer to page 2 of applicant's remarks).

In response, the examiner respectfully disagrees. Ahmed teaches establishing a mobile ad-hoc network of mobile devices that are capable of communicating with each other and constructing a subset of the mobile devices of the ad-hoc network to enable routing of a packet either in their local area or outside their local area. A node may communicate with any node in the ad-hoc network; however it chooses to communication to only those that are in line with the destination node. The node therefore forms a routing list of only a subset (the chosen nodes) of the devices of the ad-hoc network.

Argument (B): The applicant argues that Dunko's Bluetooth application is not the same as the claimed "common software application (refer to page 3-4 of applicant's remarks).

In response, the examiner respectfully disagrees. Contrary to the applicant's arguments, the examiner is equating the Bluetooth applications running on the devices to the claimed common application software. A mobile terminal searches to identify other mobile devices in range that are running the same Bluetooth applications (common application software). From the identified devices, the mobile terminal is then able to identify known mobile devices (sub-network) based on search code comparison and is able to communicate with

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only a subset of the mobile devices. Therefore, Ahmed in view of Dunko meet the scope of the claimed invention as currently presented and render the claims obvious.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
March 1, 2008

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2155

Ahmed teaches establishing a mobile ad-hoc network of mobile devices that are capable of communicating with each other and constructing a subset of the mobile devices of the ad-hoc network to enable routing of a packet either in their local area or outside their local area. A node may communicate with any node in the ad-hoc network; however it chooses to communication to only those that are in line with the destination node. The node therefore forms a routing list of only a subset (the chosen nodes) of the devices of the ad-hoc network.